



Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elizabeth Sisley

Title: USING CONSTRAINT-BASED HEURISTICS TO SATISFICE STATIC SOFTWARE  
PARTITIONING AND ALLOCATION OF HETEROGENEOUS DISTRIBUTED SYSTEMS

Docket No.: 1142.001US1

Serial No.: 09/688,006

Filed: October 13, 2000

Due Date: N/A

Examiner:

Group Art Unit: 2183

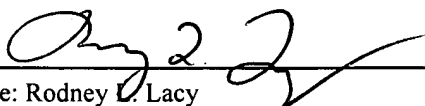
Commissioner for Patents  
Washington, D.C. 20231

We are transmitting herewith the attached:

- ☒ Communication Re: Incorrect Filing Receipt (1 pg.)
- ☒ Copy of Filing Receipt (1 pg.)
- ☒ A return postcard.
- ☒ Copy of Unsigned Declaration (3 pgs.)

No Additional fee is required.

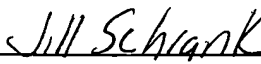
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By:   
Name: Rodney L. Lacy  
Reg. No. 41,136  
RLL:CMG:jms

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Technology Center 2100

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 5<sup>th</sup> day of January, 2001.

Name



Signature



S/N 09/688,006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elizabeth Sisley

Examiner: Unknown

Serial No.: 09/688,006

Group Art Unit: 2183

Filed: October 13, 2000

Docket: 1142.001US1

Title: USING CONSTRAINT-BASED HEURISTICS TO SATISFICE STATIC  
SOFTWARE PARTITIONING AND ALLOCATION OF HETEROGENEOUS  
DISTRIBUTED SYSTEMS



RECEIVED

COMMUNICATION RE: INCORRECT FILING RECEIPT

MAR 27 2001

Technology Center 2100

Commissioner for Patents  
Washington, D.C. 20231

Applicants hereby request correction of the Filing Receipt with respect to the above-identified patent application. In the Filing Receipt received December 11, 2000, (copy enclosed), the applicants name is spelled incorrectly, as evidenced by the enclosed unsigned Declaration and Power of Attorney that was filed with the application. The name should read "Elizabeth Sisley" rather than "Elisabeth Sisley".

Applicant would appreciate the above-identified printing error be corrected and that a new "corrected" filing receipt be sent to Applicant's representatives at the address given below.

Respectfully submitted,

ELIZABETH SISLEY

By her Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH,  
P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6954

Date January 5, 2001

By Rodney L. Lacy

Rodney L. Lacy  
Reg. No. 41,136  
RLL:CMG:jms

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 5<sup>th</sup> day of January, 2001.

Name

Jill Schrank

Signature

[Signature]



## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/888,006	10/13/2000	2183	0	1142.001US1	9	3	1

21186  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

## FILING RECEIPT



\*OC000000005569921\*

Date Mailed: 12/06/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Elisabeth Sisley, Woodbury, MN ;

DV 13 JAN, 2001 - 3 MO. IDS

## Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/159,240 10/13/1999

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MAR 27 2001

## Foreign Applications

If Required, Foreign Filing License Granted 12/05/2000

Technology Center 2100

## Title

Using constrain-based heuristics to satisfy static software partitioning and allocation of heterogeneous distributed systems

## Preliminary Class

717

Data entry by : ROBINSON, YOLANDA

Team : OIPE

Date: 12/06/2000  
Schwegman, Lundberg,  
Woessner & Kluth, P.A.



DEC 11 2000

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SCHWEGMAN • LUNDBERG • WOESSNER • KLUTH

Attorney Docket No. 1142.001US1  
**RECEIVED**

MAR 27 2001

**United States Patent Application**  
COMBINED DECLARATION AND POWER OF ATTORNEY

Technology Center 2100

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **USING CONSTRAINT-BASED HEURISTICS TO SATISFICE STATIC SOFTWARE PARTITIONING AND ALLOCATION OF HETEROGENEOUS DISTRIBUTED SYSTEMS.**

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application Number**  
**60/159,240**

**Filing Date**  
**October 13, 1999**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Huebsch, Joseph C.	Reg. No. 42,673	Nelson, Albin J.	Reg. No. 28,650
Beekman, Marvin L.	Reg. No. 38,377	Jurkovich, Patti J.	Reg. No. 44,813	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Oh, Allen J.	Reg. No. 42,047
Billion, Richard E.	Reg. No. 32,836	Kaufmann, John D.	Reg. No. 24,017	Padys, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Parker, J. Kevin	Reg. No. 33,024
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Daniel J.	Reg. No. 32,146	Perdok, Monique M.	Reg. No. 42,989
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Chu, Dinh C.P.	Reg. No. 41,676	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	Maeyart, Paul L.	Reg. No. 40,076	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440
Harris, Robert J.	Reg. No. 37,346				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**

**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor : **Elizabeth Sisley**  
Citizenship: **United States of America** Residence: **Woodbury, MN**  
Post Office Address: **P.O. Box 25768**  
**Woodbury, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Elizabeth Sisley

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Bib Data Sheet

#y  
CFR

<b>SERIAL NUMBER</b> 09/688,006	<b>FILING DATE</b> 10/13/2000 <b>RULE</b> -	<b>CLASS</b> 717	<b>GROUP ART UNIT</b> 2183	<b>ATTORNEY DOCKET NO.</b> 1142.001US1
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**APPLICANTS**

Elizabeth Sisley, Woodbury, MN ;

**\*\* CONTINUING DATA \*\*\*\*\***

THIS APPLN CLAIMS BENEFIT OF 60/159,240 10/13/1999

**\*\* FOREIGN APPLICATIONS \*\*\*\*\*****IF REQUIRED, FOREIGN FILING LICENSE**

GRANTED \*\* 12/05/2000

**\*\* SMALL ENTITY \*\***

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	<b>STATE OR COUNTRY</b> MN	<b>SHEETS DRAWING</b> 9	<b>TOTAL CLAIMS</b> 3	<b>INDEPENDENT CLAIMS</b> 1
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature _____ Initials _____				

**ADDRESS**

21186

**TITLE**

Using constrain-based heuristics to satisfice static software partitioning and allocation of heterogeneous distributed systems

<b>FILING FEE RECEIVED</b> 420	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )
		<input type="checkbox"/> 1.18 Fees ( Issue )
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit